



912282

September 13, 2013

**VIA FEDERAL EXPRESS AND
FAX: (312) 353-9306**

Karen Cibulskis, Remedial Project Manager
U.S. Environmental Protection Agency - Region 5
Superfund Division (SR-6J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: General Notice of Potential Liability for the Gary Development Landfill Site, located at
479 Cline Avenue, Gary, Lake County, Indiana - CERCLIS ID No: IND077005916

Dear Ms. Cibulskis:

Cargill, Incorporated (Cargill) is in receipt of U.S. EPA's General Notice of Potential Liability for the Gary Development Landfill Site (Site), dated August 5, 2013, in which it invites Cargill to join ongoing discussions related to the Site. The General Notice letter also asserted that U.S. EPA has information that Cargill may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site, and included a Site nexus document purporting to set out this information.

Cargill has carefully reviewed the Site nexus document. Significantly, the Site nexus document has no information indicating that any facility owned or operated by Cargill arranged for the disposal of any material at the Site. The only connection intimated by the Site nexus document appears to be an indirect one based on a claim of successorship: in 2002, thirteen years after the Site stopped accepting waste, Cargill acquired interest in Cerestar SA, a Paris-based company whose global assets included the former American Maize Products Company facility in Hammond, Indiana. However, as set forth in Cerestar USA's response of August 30, 2013, there is presently no information indicating that American Maize Products Company sent hazardous materials to the Site. Absent a direct or indirect nexus between Cargill and the Site, Cargill respectfully declines EPA's invitation to participate in the ongoing negotiations at this time.

Cargill notes that it also received an information request from EPA related to the Gary Development Landfill Site. Cargill is in the process of responding to this request and will reconsider EPA's invitation to participate in the event it develops any information suggesting a

Law
Thomas W. MacLeod
Senior Lawyer

15407 McGinty Road West
Wayzata, MN 55391-2399
P.O. Box 5624
Minneapolis, MN 55440-5624

Tel: (952) 742-4653
Fax: (952) 742-6349
thomas_macleod@cargill.com

Karen Cibulskis, Remedial Project Manager
September 13, 2013
Page 2

nexus between Cargill and the Gary Development Landfill Site. In the interim, please send future correspondence concerning this site to me.

Sincerely yours,

A handwritten signature in black ink, reading "Thom W. MacLeod". The signature is written in a cursive, flowing style. The first name "Thom" is written with a large, stylized 'T'. The middle initial "W." is written in a smaller, more compact script. The last name "MacLeod" is written with a large, stylized 'M' and a long, sweeping tail that extends to the right.

Thomas W. MacLeod

TWM:lts
#4139363

cc: Jeffrey A. Cahn, Esq., U.S. EPA